

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

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CASEY STROM, an individual residing in	:	
the State of Washington,	:	
	:	
Plaintiff,	:	<b>COMPLAINT</b>
	:	
- against -	:	<b>JURY TRIAL DEMANDED</b>
	:	
GARY PETERSHAGEN, an individual	:	
residing in the State of Washington,	:	
	:	
Defendant.	:	
	:	
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Plaintiff Casey Strom ("Strom"), by and through his undersigned counsel, for its Complaint against Defendant Gary Petershagen ("Petershagen" or "Defendant"), states and alleges as follows:

**THE PARTIES**

1. Plaintiff Casey Strom is a photographer residing in the State of Washington.
2. Defendant Gary Petershagen is a politician residing in the State of Washington with an address at 9932 Vernon Road, Lake Stevens, Washington 98258.

**JURISDICTION AND VENUE**

4. This is a civil action seeking damages and injunctive relief arising from Defendant's unauthorized use of a photograph taken by Strom in political advertisements.
5. This Court has original subject matter jurisdiction over Strom's claims pursuant to 28 U.S.C. §§ 1331 and 1338(a).
6. This Court has personal jurisdiction over Defendant because he resides within this judicial district, directs his political and business activities toward voters and consumers in the State of Washington within this judicial district, derives a commercial benefit from his contacts

with the State of Washington, and caused injury to Plaintiff by his actions within this judicial district.

7. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400.

### FACTS

8. Strom is a photographer who owns federal copyright Registration No. VA2277688 for a photograph he took titled *Lake Stevens Food Bank Groundbreaking* (the “Photograph”) and shown below:



A copy of the certificate of registration is attached hereto as **Exhibit A**.

9. In early 2022, Strom discovered that Petershagen had used a cropped version of the Photograph in at least two political advertisements.

10. The first political advertisement was a mailer that went out to voters in Strom’s community.

11. The second political advertisement using the Photograph appeared on Petershagen’s Facebook page to promote his campaign for re-election to the Lake Stevens City Council.

12. On March 1, 2022, Strom’s counsel sent a letter to Petershagen describing his infringing use of the Photograph. Petershagen did not respond.

13. On September 1, 2022, Strom’s counsel sent a follow up letter notifying

Petershagen that unless Petershagen responded Strom would file a complaint before the newly formed Copyright Claims Board. Petershagen did not respond.

14. On January 5, 2023, Strom's counsel sent a final letter to Petershagen attaching the complaint Strom planned to file with the Copyright Claims Board if Petershagen did not respond. Petershagen did not respond.

15. On January 24, 2023, Strom filed a complaint with the Copyright Claims Board.

16. Because all parties must agree to see a matter resolved by the Copyright Claims Board, Defendant undercut Strom's attempt to avoid filing in federal court by refusing to allow the Copyright Claims Board to adjudicate this dispute.

**FIRST CAUSE OF ACTION  
(Copyright Infringement - Mailer)**

17. Strom hereby repeats and re-alleges each and every allegation in paragraphs 1 through 16 as if fully set forth herein.

18. Strom is the author of the Photograph.

19. Strom is the owner of the copyright for the Photograph.

20. Strom is the owner of federal copyright Registration No. VA2277688 for the Photograph.

21. Defendant used the Photograph in a political mailer without authorization.

22. Upon information and belief, Defendant willfully infringed upon Strom's copyright in the Photograph by copying and distributing mailers to voters throughout Strom's community.

23. As a result of Defendant's willful infringement of Strom's copyright rights, Strom is entitled to actual damages and injunctive relief to prevent further infringement of his copyright in the Photograph.

**SECOND CAUSE OF ACTION  
(Copyright Infringement – Facebook Page)**

24. Strom hereby repeats and re-alleges each and every allegation in paragraphs 1 through 23 as if fully set forth herein.

25. Strom is the author of the Photograph.

26. Strom is the owner of the copyright for the Photograph.

27. Strom is the owner of federal copyright Registration No. VA2277688 for the Photograph.

28. Defendant used the Photograph in a political advertisement on Facebook without authorization.

29. Upon information and belief, Defendant willfully infringed upon Strom's copyright in the Photograph by copying and displaying a political advertisement on Facebook to voters throughout Strom's community.

30. As a result of Defendant's willful infringement of Strom's copyright rights, Strom is entitled to actual damages and injunctive relief to prevent further infringement of his copyright in the Photograph.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully seeks an order:

- A. Finding that Defendant willfully infringed upon Strom's copyright rights in the Photograph by copying, distributing, and displaying it without authorization;
- B. Awarding Strom actual damages attributable to the infringement in accordance with 17 U.S.C. § 504;
- C. Issuing an injunction preventing Defendant from further infringement of Strom's copyrighted works, including but not limited to the Photograph; and

D. Awarding Strom pre- and post-judgment interest and any such other relief as the Court deems just and proper.

Dated: April 26, 2024  
New York, New York

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